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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Secretariat

Notification

PDD/EDN/1737/65

Government is pleased to direct that Rule 4 and Rule 5 of Chapter II of the Interim Grant-in-aid-code for Primary Schools dated 29th August 1962 shall be substituted and read as follows:

4. The per capita grant for every month will be calculated on the monthly attendance of the students in each class, except for the summer and winter vacation period. The grant for the vacation months will be based on the attendance for the respective preceding months.

5. If a student leaves the School, prior to 15th of the month, the per capita grant will be reduced to half. If however, he leaves the School after 15th, there will be no reduction in grant for that month, on his account. However, should such student join another school after the 15th of the month the new school would get no grant for that particular month on account of the student.

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

S. P. Balasubramanian, Development Commissioner.

Panjim, 15th September, 1965.

Home Department

ORDER

HD-34-3014/1/65

Sanction is hereby accorded for the creation of one post of an Additional Superintendent of Police, for Goa, with immediate effect on temporary basis upto the period ending 28-2-1966, in the senior scale of

the Indian Police Service, pending finalisation of the new set-up of the Police Department for the Union Territory.

The expenditure is debitable to the Budget Head «23-Police A(1), Pay of Officers» and met from the current year's grants.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. K. Mainkar, Under Secretary.

Panjim, 20th September, 1965.

Finance Department

Notification

FS/F.III/2-35/C/part/65

In exercise of the powers conferred by Section 22 of the Goa, Daman and Diu Excise Duty Act, 1964, the Government hereby makes the following amendments to the Goa, Daman and Diu (Excise Duty) Rules, 1964.

1. (i) These Rules may be called the Goa, Daman and Diu Excise Duty Second Amendment Rules, 1965.

(ii) They shall come in force on the 1st October, 1965.

2. In rule 67 of the Goa, Daman and Diu Excise Duty Rules 1964, in paragraph (2) the words «but the liquor can be sold only to the licenced liquor vendors or licenced buyers» shall be deleted.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. Subramanian, Finance Secretary.

Panjim, 28th September, 1965.

Notification

FS/F.III/2-35/A/part/65

In partial modification of Notification No. FS/F.III/11-118/64/20583 dated the 20th November 1964, and in pursuance of the provisions contained

in section 5 of the Goa, Daman and Diu Excise Duty Act, 1964, the Government hereby prescribes 18 quart bottles of country liquor as the maximum quantity of country liquor which can be transported from one place to another within this Territory, without a permit issued in accordance with the provisions of the said Act and the Rules made thereunder.

This Notification shall come into force with effect from 1st October, 1965.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. Subramanian, Finance Secretary.

Panjim, 28th September, 1965.

Notification

FS/F.III/2-35/B/part/65

In exercise of the powers conferred by sub-section (1) of Section 42 of the Goa, Daman and Diu Excise Duty Act, 1964, the Government hereby exempts all Toddy-Tappers from the payment of so much of licence fee leviable for manufacturing country liquor as is in excess of Rupees ten per still per year.

This notification shall come into force with effect from the 1st October, 1965.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. Subramanian, Finance Secretary.

Panjim, 28th September, 1965.

Notification

FD/F.III/2-36/part/1638/65

In exercise of the powers conferred by sub-Section (2) of Section 10 of the Goa, Daman and Diu Sales Tax Act, 1964 read with Notification No. 7/3/65-UTL of the Government of India, Ministry of Home Affairs, dated 14th April, 1965 the Administrator of Goa, Daman and Diu hereby makes the following addition to the entries in the Second Schedule to the said Act.

«Tractors».

By order and in the name of the Administrator of Goa, Daman and Diu.

N. Subramanian, Finance Secretary.

Panjim, 28th September, 1965.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/3143/65

The following Act passed by the Legislative Assembly of Goa, Daman and Diu received the assent of the President of India on the 25th September, 1965, and is hereby published for general information.

The Goa, Daman and Diu Suits Valuation Act, 1965

(No. 13 of 1965) [25th September 1965]

An Act to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of courts with respect thereto.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Sixteenth year of the Republic of India as follows:

1. Short title, extent and commencement. — (1) This Act may be called the Goa, Daman and Diu Suits Valuation Act, 1965.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be notified for different provisions of the Act and for different areas.

2. Definitions. — In this Act, unless the context otherwise requires, —

(a) «Court Fees Act» means the Court Fees Act, 1870 as extended to the Union Territory of Goa, Daman and Diu;

(b) «High Court» means the Court of the Judicial Commissioner constituted under the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963 (No. 10 of 1963;)

(c) «State Government» means the Administrator of Goa, Daman and Diu appointed under Article 239 of the Constitution.

3. Power of State Government to make rules determining the value of land for jurisdictional purposes. —

(1) The State Government may, in consultation with the High Court, make rules for determining the value of land for purposes of jurisdiction in the suits mentioned in the Court Fees Act, section 7, paragraphs V and VI, and paragraph X, clause (d).

(2) The rules may determine the value of any class of land, or of any interest in land, in the whole or any part of a local area, and may prescribe different values for different places within the same local area:

Provided that such rules shall provide that the value of land for the purposes of jurisdiction shall in no case be less than the value as determinable for the computation of court-fees.

(3) A rule made under this section shall not take effect till the expiration of one month after it has been published in the Official Gazette.

4. Valuation of relief in certain suits relating to land not to exceed the value of the land. — Where a suit mentioned in the Court Fees Act, section 7, paragraph IV, or Schedule II, article 17, relates to land or an interest in land of which the value has been determined by rules made under the last foregoing section, the amount at which for purposes of jurisdiction the relief sought in the suit is valued shall not exceed the value of the land or interest as determined by those rules.

5. Court-fee value and jurisdictional value to be the same in certain suits. — Where in suits other than those referred to in the Court Fees Act, section 7, paragraphs V, VI and IX, and paragraph X, clause (d), court-fees are payable *ad valorem* under the Courts Fees Act, the value as determinable for the computation of court-fees and the value for purposes of jurisdiction shall be the same.

6. Determination of value of certain suits by High Court.—When the subject-matter of suits of any class, other than suits mentioned in the Court Fees Act, section 7, paragraphs V and VI and paragraph X, clause (d), is such that in the opinion of the High Court it does not admit of being satisfactorily valued, the High Court may, with the previous sanction of the State Government, direct that suits of that class shall, for the purposes of the Court Fees Act, and of this Act and any other enactment for the time being in force, be treated as if their subject-matter were of such value as the High Court thinks fit to specify in this behalf.

7. Objections to jurisdiction on ground of erroneous valuation.—(1) Notwithstanding anything in section 99 of the Code of Civil Procedure, an objection that by reason of the over-valuation or under-valuation of a suit or appeal a Court of first instance or lower Appellate Court which had not jurisdiction with respect to the suit or appeal exercised jurisdiction with respect thereto shall not be entertained by an Appellate Court unless—

- (a) the objection was taken in the Court of first instance at or before the hearing at which issues were first framed and recorded, or in the lower Appellate Court in the memorandum of appeal to that Court, or
- (b) the Appellate Court is satisfied, for reasons to be recorded by it in writing, that the suit or appeal was over-valued or under-valued and that the over-valuation or under-valuation thereof has prejudicially affected the disposal of the suit or appeal on its merits:

Provided that in a suit for accounts the value for purposes of jurisdiction as determined by the Court at any stage of the trial shall be final and conclusive and shall not be liable to be contested in appeal or revision.

(2) If the objection was taken in the manner mentioned in clause (a) of sub-section (1), but the Appellate Court is not satisfied as to both the matters mentioned in clause (b) of that sub-section and has before it the materials necessary for the determination of the other grounds of appeal to itself, it shall dispose of the appeal as if there had been no defect of jurisdiction in the Court of first instance or lower Appellate Court.

(3) If the objection was taken in that manner and the Appellate Court is satisfied as to both those matters and has not those materials before it, it shall proceed to deal with the appeal under the rules applicable to the court with respect to the hearing of appeals; but if it remands the suit or appeal, or frames and refers issues for trial, or requires additional evidence to be taken, it shall direct its order to a Court competent to entertain the suit or appeal.

(4) The provisions of this section with respect to an Appellate Court shall, so far as they can be made applicable, apply to a Court exercising revisional jurisdiction under section 115 of the Code of Civil Procedure or other enactment for the time being in force.

8. Saving of pending proceedings.—Nothing in this Act shall be construed to affect the jurisdiction of any Court—

- (a) with respect to any suit instituted before rules framed under section 3 applicable to the valuation of the suit take effect, or any other section of the Act comes into force, as the case may be, or
- (b) with respect to any appeal arising out of any such suit.

9. Repeal.—As from the commencement of this Act, any law in force in the Union Territory of Goa, Daman and Diu or any part thereof, corresponding to this Act or such provisions thereof as have come into force shall stand repealed.

10. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, as occasion requires, do anything (not inconsistent with this Act) which appears to it to be necessary for removing the difficulty.

Secretariat P. B. VENKATASUBRAMANIAN
Panjim, Secretary to the Government of Goa,
October 5, 1965 Daman and Diu.

LA/3154/65

The following Act passed by the Legislative Assembly of Goa, Daman and Diu received the assent of the President of India on the 29th September, 1965 and is hereby published for general information.

The Goa, Daman and Diu Judicial Officers' Protection Act 1965

(No. 14 of 1965) [29th September, 1965]

An Act to provide for the protection of Judicial Officers and persons executing the warrants of Judicial Officers.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Sixteenth year of the Republic of India as follows:

1. Short title, extent and commencement.—(1) This Act may be called the Goa, Daman and Diu Judicial Officers' Protection Act, 1965.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force at once.

2. Non-liability to suit of officers acting judicially, for official acts done in good faith, and of officers executing warrants and orders.—No Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction: Provided that he at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of; and no officer of any Court or other person, bound

to execute the lawful warrants or orders of any such Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same.

3. Repeal. — Any law in force in Goa, Daman and Diu or any part thereof corresponding to this Act shall stand repealed as from the coming into force of this Act.

Secretariat

P. B. VENKATASUBRAMANIAN

Panjim,

Secretary to the Government of Goa,
Daman and Diu.

October 5, 1965

Law Department

Notification

LD/33/65

In exercise of the powers conferred by section 2 of the Public Gambling Act, 1867, it is hereby notified that all the provisions of the Act shall extend to the whole Union Territory of Goa, Daman and Diu with effect from 14th October, 1965.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Kant Desai, Under Secretary.

Panjim, 20th September, 1965.